

January 19, 1981

LR 6  
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

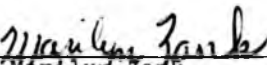
SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:

  
Marilyn Zark

LB 19, 76, 102, 103, 107, 146,  
147, 200, 284, 290, 305, 306,  
316, 318, 326, 338, 371, 374,  
389, 398, 441, 487

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to LB 290. Have you all voted? One more time, have you all voted? Four. Have you all voted? Okay, record the vote.

CLERK: 16 ayes, 23 nays on the adoption of the DeCamp amendment.

SPEAKER MARVEL: The motion fails.

CLERK: Mr. President, a series of materials to read in: Senator Schmit would like to print amendments to LB 284. (Amendments printed separate and on file in the Clerk's office. Request No. 2118.)

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 76. (See pages 1026-1028 of the Journal.)

Senator Koch asks to be excused Monday and Tuesday of next week; Senator Fitzgerald excused next Monday.

Your committee on Public Works whose chairman is Senator Kremer reports LB 200 to General File; 326 to General File; 146 to General File with amendments; 147 as indefinitely postponed; 398 as indefinitely postponed, (Signed) Senator Kremer as Chair. (See pages 1028-1029 of the Journal.)

Your committee on Public Health reports LB 389 to General File with amendments and 107 as indefinitely postponed, (Signed) Senator Cullan. (See pages 1030-1032 of the Legislative Journal.)

Senator Chambers would like to print amendments to LB 76. (See pages 1032-1036 of the Legislative Journal.)

Senator Cullan reports LB 487 to General File with amendments, (Signed) Senator Cullan. (See pages 1036-1040.)

Education reports LB 305 to General File; 316 to General File with amendments; 318 to General File with amendments; 338 to General File with amendments; 371 to General File; 441 to General File with amendments, (Signed) Senator Koch. (See pages 1040-1042.)

Mr. President, your committee on Revenue reports LB 19, 102, 103, 306, 374 all indefinitely postponed, (Signed) Senator Carsten, Chair.

SPEAKER MARVEL: Is that it?

CLERK: Yes.

April 8, 1981

LB 249, 326, 483

SENATOR CLARK: The question before the Legislature is the advancement of 249 to E & R. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: We are voting on the advancement of 249 to E & R. Record the vote.

CLERK: 27 ayes, 6 nays on the motion to advance LB 249, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Landis, you had a motion?

SENATOR LANDIS: I would, unless the Clerk has things to read into the record I would move to adjourn.

SENATOR CLARK: Do you have something to read in, Pat?

CLERK: Quickly, Mr. President, Senator Kremer would like to print amendments to 326; Senator Labeledz to 483. (See pages 1362 and 1363 of the Legislative Journal.)

SENATOR LANDIS: I will move to adjourn until tomorrow morning at 9:00 o'clock, Mr. Speaker.

SENATOR CLARK: You heard the motion. All those in favor say aye. All those opposed. We are adjourned until 9:00 o'clock tomorrow morning.

Edited by Arleen McCrory.  
Arleen McCrory

April 10, 1981

LB 243, 17, 22A, 59, 158A,  
167, 271, 317A, 326, 483

SENATOR GOLL: Mr. Chairman, members of the Legislature, the hour is late. I have no prepared minutes but I just want to say as one who has been involved with an NRD development very closely, very personally, that I would stand in opposition to Senator Sieck's motion. I know people that are on the NRD boards, know them personally. They are fine people. They are elected by us. They do a job. They do it to the best of their ability, and though it is no time to become dramatical, when you say "eminent domain" to me, it is like running in front of that big red bull out in the pasture and no fence within a good three wood shot, and as far as I am concerned, Senator Schmit, the ratio should have been fifty percent instead of seventy-five, and I think we have got to look at this question with a lot of sincerity and purpose in our views. I am for the bill. I am against the proposed kill amendment. Eminent domain is bad. Thank you, Mr. Chairman. It is 11:58 a.m.

SENATOR CLARK: I think we are going to stop right here and we are going to continue this afternoon with priority bills on General File so we will continue with this bill, after the Clerk reads some things in, at one-thirty.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 483; Senator Kremer to LB 326.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor LB 17, 59 and 167.

Your committee on Enrollment and Review reports LB 22A correctly engrossed; 158A correctly engrossed; 317A correctly engrossed; and 271 correctly engrossed. (Signed) Senator Kilgarin.

SENATOR CLARK: Senator Cope, would you like to recess us until one-thirty this afternoon?

SENATOR COPE: Mr. President, members, I move we recess until one-thirty.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are recessed until one-thirty at which time we will take up General File priority bills.

Edited by Arleen McCrory  
Arleen McCrory

April 14, 1981

LB 40, 376, 326, 146

SPEAKER MARVEL: Go ahead, read the bill.

CLERK: (Read LB 40 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 1465 and 1466, Legislative Journal.) 30 ayes, 15 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed. The next order of business is General File, item #7.

CLERK: Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, several years ago a major bill came up and I foolishly took it up when a party that was extremely interested in it was in the hospital, my good friend Senator Cope. I vowed that I would never do that again without heavy consultations with the party. Senator Clark has as deep an interest in this legislation as I do. I would ask to pass over it until such time as I and others can get together with Senator Clark and find out what he wants, when he will be back, and till we can work out a mutually agreeable date. With permission of the Chair, I would ask to pass over it.

SPEAKER MARVEL: Any objections? Hearing no objections, so ordered. Next item, 326.

CLERK: Mr. President, LB 326 was a bill introduced by the Public Works Committee.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: (Mike off) Senator Kremer is not here today, I would like to ask permission to pass over the bill.

SPEAKER MARVEL: The request is to pass over LB 326. Any objections? If not, so ordered. Next is item LB 146.

SENATOR NICHOL: We will move on to LB 389.

CLERK: Mr. President, if I may, right before that Senator Wagner would like to print amendments to LB 134; Senator Hoagland to LB 179; Senator Wagner to LB 326. (See pages 1467-1468 of the Journal.)

I have an Attorney General's opinion addressed to Senator Maresh. That will be inserted in the Journal, Mr. President.

Mr. President, LB 389 was introduced by Senator Don Wesely and Senator Loran Schmit. (Title read.) The bill was first read on January 20, referred to Public Health and Welfare for a hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR NICHOL: Senator Wesely, are you going to take the bill?

SENATOR WESELY: Yes, I will handle the committee amendments, too, Mr. President. Mr. President and members of the Legislature, I will handle the committee amendments as vice chairman of the Public Health Committee. If you will look in your book you will find that they do a number of things. The primary intent was to tighten up the bill as introduced to try and clarify more specifically who could benefit from these services that would be provided under LB 389 which said some income guidelines that were more specific and would in a number of other ways provide some clarifying amendments. The attempt was again to try and tighten up the bill to deal with the question of costs involved and Senator Cullan was very influential in developing these different amendments but there are some amendments to those I think we might want to take up at this point.

CLERK: Mr. President, Senator Wesely moves to amend the committee amendments, Senators Wesely and Schmit, and the amendments are found on page 1278 of the Journal.

SENATOR NICHOL: Senator Wesely, are you going to explain your amendments to the committee amendments, please?

SENATOR WESELY: Yes, Mr. President. As I said before, the committee amendments which were drafted attempted I think specifically to deal with the question of narrowing the focus of LB 389 and I think that was appropriate but there were a number of changes that after the amendments were adopted we found to be counterproductive and not, in fact, helpful. You have on your desk a couple of handouts. One is a copy of the amendments. Those can also be found on page 1278 of the Journal. Then also I have passed out a

April 23, 1981

LB 252, 118, 326, 555

SENATOR VICKERS: A question of the Clerk. Is this the last amendment that I put up Pat?

CLERK: Yes sir.

SENATOR VICKERS: Mr. Chairman and members, I'm going to try to work with Senator Beutler between General File and Select File to see if we can't work out some of our differences in this regard. I just want to make it clear for the record that I will vote to advance 252 over to Select File and work with Senator Beutler or any other interested parties in the mean time to try to come up with some criteria so that the proposals for the criteria are equal as best as possible for the pro and con sides of transbasin diversion. So, having said that Mr. Speaker, I would like to withdraw this amendment at this time and offer it on Select File.

SPEAKER MARVEL: Okay, the motion is to advance the bill. All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 7 nays on a motion to advance the bill Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. The next bill is LB 326?

CLERK: Mr. President, if I may right before that, Senator Vickers would like to print amendments to LB 252 in the Journal.

Business & labor reports LB 118 to General File with amendments, (Signed) Senator Maresh, Chair.

Senator Newell moves to withdraw LB 555. That will be laid over pursuant to our rules Mr. President.

Your Retirement System gives notice of hearing for certain gubernatorial appointments in Room 1019 for April 28th. That is signed by Senator Fowler, Chair.

Mr. President, LB 326 was introduced by the Public Works Committee and signed by its members. Read title. The bill was first read on January 19th of this year, referred to Public Works for hearing. The bill was advanced to General File.

SPEAKER MARVEL: Before we get into the discussion, in the north balcony, I think just coming in now are 40 students from Juniata, Nebraska, Norma Diggs and Julie Peterson, teachers. Hold up your hands so we can see where you are located. Welcome to the Unicameral. Senator Kremer, do you wish to explain the bill?

SENATOR KREMER: I believe Mr. President, I have an amendment or two up there that should probably be adopted. I can explain the bill and then perhaps that would be an advantage in adopting the amendment.

SPEAKER MARVEL: Why don't you explain it briefly and then we will go. . . .

SENATOR KREMER: LB 326 is a Public Works Committee bill and it is a priority bill, it is my priority bill. What LB 326 does it accomplishes what we have done through a resolution, I believe number 300, and the intent bill of each year. It would do away with. . . each year we have to struggle with what we are expecting of the Natural Resources Commission and we put it into the statutes. What it basically does is it does two things. Number one it eliminates obsolete language or in the statutes now makes reference to a state water plan. We do not have anything in the way of a state water plan that is under planning right now but we have adopted, the legislature has gone along with the commission when they said we shall use a process known as planning and review. So there is no reference to a state water plan. So, that eliminates that. It goes on and it recognizes the role of the Natural Resources Commission and other state agencies that are involved in this planning and review process. It makes provisions for the existence and functions of a public advisory board made up of eleven people recommended by the Executive Board, they are to submit names of not less than three, I believe, or not more than five to the Commission and out of this, out of this list they are to appoint a public advisory board that seems to be necessary and adviseable when we are dealing with some of the issues related to water resources in our state. Number three it recognizes the planning and review process related functions of the interagency water coordinating committee. Now this committee I believe is also made up of eleven people and they consist the agency such as the. . . some of the university functions, the water center, the conservation survey division, the Department of Agriculture and state agencies of that nature. Number four, it recognizes the specification of



public hearing requirements that when certain issues are to be resolved public hearings have to be held. Last of all it requires that an annual report and a plan of work that has been prepared and to be submitted comes to the legislature. There are other somewhat less aspects of the planning and review process but this basically covers the intent of the bill and now Mr. Chairman, I think we should take up the amendments unless there are questions relative to the bill itself.

SPEAKER MARVEL: Senator Kremer, do you wish to take up your two amendments now? Okay, the Clerk will read.

CLERK: Read Kremer amendment.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Kremer.

SENATOR KREMER: Mr. President and members, this is a technical amendment, it has to do with a section title and it makes the corrections. It strikes Section 19 and inserts Section 20. It is a technical amendment. I move its adoption.

SENATOR NICHOL: Senator Kremer, do you have anything further on this?

SENATOR KREMER: No, Mr. Chairman, I move the adoption, it is a technical amendment and refers to the number of a section, 19 is wrong, 20 should be there.

SENATOR NICHOL: We are now voting on the Kremer amendment. All those in favor vote aye, opposed nay. Voting aye.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President on the adoption of Senator Kremer's amendment.

SENATOR NICHOL: The amendment is adopted. Senator Kremer, did you have another one?

CLERK: Yes Mr. President, Senator Kremer now has an amendment found on page 1410 of the Journal.

SENATOR KREMER: Mr. Chairman, this amendment printed in the Journal, now the Governor has actually been serving as chairman of the agency group. He has appointed someone now to take his place on representing the office of the Governor when this group of interagency people meet, namely Jack Hart has been appointed by the Governor to serve this purpose. So the amendment reads thus: "The Governor or his appointed alternate shall serve as chairman or chairperson of the Interagency Water Coordinating Committee" this allows someone other than the Governor to serve as chairman, such as Mr. Hart that has been appointed by the Governor. I move the adoption of this amendment.

SENATOR NICHOL: We are voting on the adoption of the Senator Kremer amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

CLERK: 27 ayes, 0 nays Mr. President on the motion to adopt Senator Kremer's amendment.

SENATOR NICHOL: Senator Kremer's amendment is adopted.

CLERK: Mr. President, Senator Wagner now moves to amend the bill and that amendment is found on page 1468 of the Journal.

SENATOR NICHOL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, again this is a technical amendment. It is similar to what we have done on other bills in relation to expenses. It just coordinates it with the language in the bill, LB 204, which is sitting on Final Reading. It is technical in nature and I urge your adoption.

SENATOR NICHOL: We are now voting on the Wagner amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

CLERK: 27 ayes, 0 nays Mr. President on the adoption of Senator Wagner's amendment.

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LB 326, 394

SENATOR NICHOL: The Warner amendrent is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR NICHOL: Senator Kremer, what do you want to do with the bill?

SENATOR KREMER: Now Mr. Chairman, I move that LB 326 be advanced as I explained it.

SENATOR NICHOL: We are now voting on the advancement of LB 326 from General File. All those in favor vote aye, opposed vote nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

CLERK: 34 ayes, 1 nay Mr. President on the motion to advance the bill.

SENATOR NICHOL: LB 326 is advanced from General to Select File or to E & R Initial. We will move on now to 394.

CLERK: Mr. President, LB 394 was introduced by Richard Maresh, Senator Vickers and Senator Elroy Hefner. Read title of bill.

SENATOR NICHOL: Senator Hefner, are you going to handle the amendments? Oh, Senator Maresh, excuse me.

SENATOR MARESH: Thank you Mr. Chairman. LB 394 has quite a few amendments and I move the amendments....the committee amendments be adopted. LB 394 retains the original 394 provision cutting the weekly benefit amounts in half for those individuals who leave work voluntarily without good cause. Number two, adds the provisions out of LB 337 raising benefits to \$116 and also eliminating the bottom two levels of the unemployment benefit table. Number three, it adds the provisions of LB 337 which raises the amount of wages necessary to qualify for unemployment benefits to \$1,200 in the base period with \$300 in each of the two calendar quarters in the base period. This hasn't been changed since 1963 so it is time that this would be increased because of inflation. Number four, adds a new section which makes the disqualification for voluntarily quits and discharge for misconduct applicable only to the separation from the most recent work. Thus individuals

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LB 160, 161, 163, 232, 241,  
252, 326, 557-562

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Dwayne Lueck from Trinity Lutheran Church, Martinsburg, Nebraska. This is Senator VonMinden's pastor.

REV. LUECK: Prayer offered.

PRESIDENT: Roll call. Has everybody registered your presence? Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, correction, page 1577, line 7, add Senator Hefner's name after Sieck.

PRESIDENT: Correction so ordered. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 252 and recommend that same be placed on Select File with amendments; LB 326 Select File with amendments; LB 232 Select File with amendments; LB 160 Select File; LB 161 Select File; LB 557 Select File; LB 558 Select File; LB 559 Select File with amendments; LB 560 Select File; LB 561 Select File; LB 163 Select File with amendments; LB 562 Select File, all signed by Senator Kilgarin as Chair.

Mr. President, LR 60 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 60. We are ready then for agenda item #4. The Sergeant at Arms will see that all members are at their desks and clear the aisles for Final Reading. We are ready for Final Reading as soon as everyone takes their places. We are about ready for Final Reading. As soon as everyone is in their place we will commence Final Reading. All right, we will commence. The first bill on Final Reading, Mr. Clerk, is LB 241.

CLERK: (Read LB 241 on Final Reading.)

PRESIDENT: (Interrupts reading.) Pardon me, Mr. Clerk, will you stop please. Senator Koch, for what purpose do you arise?

RECESS

LB 326, 556

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SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Has everybody indicated their presence?

CLERK: There is a quorum present, Mr. President. Mr. President, I have an Attorney General's Opinion addressed to Senator Warner regarding LB 556. That will be inserted in the Legislative Journal. (See pages 1877 and 1888 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the first order of business this afternoon is LB 326.

CLERK: Mr. President, I have E & R amendments to LB 326.

SPEAKER MARVEL: Senator Kilgarin, do you want to move the E & R amendments to 326?

SENATOR KILGARIN: I move the E & R amendments to LB 326.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I now have a motion from Senator Kremer. Would you like me to read it, Senator?

SENATOR KREMER: I believe, Mr. Chairman, I will wait to see what happens to the Beutler amendment because it has a bearing on that.

SPEAKER MARVEL: The Clerk has an amendment on the desk.

CLERK: Mr. President, Senator Beutler moves to amend. Senator, you have two. Do you have a preference as to which one first? "Strike original Section 4 and all amendments thereto", that one? Second. Mr. President, Senator Beutler moves to amend.

SPEAKER MARVEL: Have you got it?

CLERK: Yes, sir.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the first amendment is a very short amendment, not exactly technical in nature but it makes no momentous changes at all. This bill, let me remind you, sets up the water planning process. Actually it puts it into statute

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LB 326

for the first time. Before it's been carried primarily in the intent to different Appropriations bills. So it is the same process we have been using basically but it puts it altogether in one statutory framework now, and this water planning process is coordinated by the Natural Resources Commission, and they are assisted in this process by a Public Advisory Board, and the amendment really has to do with the Public Advisory Board. The Board presently is nominated by, of all people, the Legislature itself, the Executive Board of the Legislature, and then it's appointed by the NRC. And what I would do would simply have it be appointed as well as...or nominated as well as elected...or appointed by the NRC so that the Commission which has control of coordination is doing the nominating as well as the appointing since they know best the people in the area who have sufficient expertise to serve on this Board. That's the one change. And the second small change is also technical in nature. We have to date not really said when and where the Advisory Board is supposed to enter into the process to help out. Consequently, no one has been sure when they are supposed to meet, on what subject they are supposed to meet and who calls them to order, and that kind of question, so we have basically just said in the amendment that they shall meet upon request of the Natural Resources Commission, so that when the Natural Resources Commission sees a point in the process at which they could be helpful with their expertise, they will be called to comment upon the issues and the policies and the policy development. And I think this amendment is supported by Senator Kremer. I hope he will speak to it. But it's limited in scope, not a big amendment. Thank you.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I have talked with Senator Beutler on his proposed amendment and I do support it. We have failed in the past really to give proper guidelines. That is what the role of the Public Advisory Board shall be. We are attempting to do that here and I think this is good and proper. In fact, they themselves have been at a loss as to what their role is, and this does give them some guidelines. I do support the Beutler amendment. Thank you.

SPEAKER MARVEL: Senator Clark. Do you wish to be recognized, Senator Clark?

SENATOR CLARK: Yes, Mr. President, I would like to ask Senator Kremer a question.

SPEAKER MARVEL: Senator Kremer, do you yield?

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SENATOR CLARK: Is this the amendment that staggers the terms?

SENATOR KREMER: No, my amendment is up there.

SENATOR CLARK: You haven't brought that one up?

SENATOR KREMER: The...the....

SENATOR CLARK: You haven't brought the staggered amendment up yet?

SENATOR KREMER: No, sir.

SENATOR CLARK: You are going to do that?

SENATOR KREMER: Yes, sir.

SENATOR CLARK: Okay, thank you.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your amendment?

SENATOR BEUTLER: No closing, Mr. Speaker, I would just ask for a vote.

SPEAKER MARVEL: The motion before the House is the advancement of LB 326, the Beutler amendment. Okay. All those in favor of the motion vote aye, opposed vote no. Have you all voted? We're voting on the Beutler amendment to LB 326. Okay, the motion is carried and the amendment is....record.

CLERK: 28 ayes, 0 nays on the Beutler amendment, Mr. President.

SPEAKER MARVEL: Okay, the motion is carried and the amendment is adopted.

CLERK: Mr. President, I now have a second Beutler amendment to the bill.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, if you would look at Section 4 of the bill, the amendment simply seeks to delete Section 4 from the bill. We had a long discussion this morning about President Reagan's economic policies and about his policies with regard to government regulation and overlapping bureaucracies, and I think sometimes in the legislation that we pass that's right in front of our eyes, we don't see how we ourselves are encouraging overlapping bureaucracies and it kind of gets

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by us even though we really don't intend it. And I am seeking to eliminate Section 4 because I am suggesting to you that we are developing a hopeless bureaucracy on the water question by the creation...or by the reference to an interagency water coordinating committee which is not even established or has never been established in our statutes, and yet in Section 4 we are saying that this agency, this coordinating committee, not agency, is going to be assisting the Natural Resource Commission in this water planning process. Now the state water plan, the state planning process is supposed to be itself coordinated by the Natural Resources Commission. That is their job. They are the coordinating agency. And last year the Public Works Committee in order to make that coordination work a little better assigned each member of the Public Works Committee to work with the NRC in its different studies that it is trying to coordinate to be sure that all the different code agencies were working with the NRC. For myself, for example, I have been assigned to the instream flow study, and to my knowledge in the last year there have been no complaints about coordination. The state agencies have, in fact, been cooperating with the Natural Resources Commission. But now we are going to establish this coordinating committee which is going to be doing the same job that the Natural Resources Commission is supposed to be doing, and is doing, and one is a code agency...or excuse me, one is a noncode agency, the Natural Resources Commission, and the committee is nothing. It is a nebulous voluntary committee that the Governor has organized and which he could continue to organize without this provision, Section 4, in the law. So what I am saying to you is that Section 4 is not necessary in the first place, but to the extent that we give it status in law then we are giving status to two separate coordinating agencies, and I suggest to you that not very long into the future there is going to be bureaucratic bickering and more trouble than we anticipate because both of them are setting out to do the same job. We have had a couple of bad experiences in the Education Committee already with these coordinating commissions. The Commission for Coordinating Aid to the Handicapped, for example, has been a disaster. They ended up they didn't even meet any more after a while. But don't forget that in addition to the Natural Resource District acting as a coordinator we have the Public Advisory Board which is getting its input into this. And I just think that this new committee that we are referencing which is not a legal entity, is window dressing at best but cumbersome and may inhibit real coordination in the second place. So I would just ask you to strike Section 4 so that we leave the Natural Resource Commission as the legally recognized coordinator in the statutes, and if the Executive Branch



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wants to go ahead and use Jack Hart or in any other manner help with the coordination, that is fine. But let's not reference in our statutes something that doesn't really legally exist. Thank you.

SPEAKER MARVEL: Senator Kremer, do you wish to be recognized?

SENATOR KREMER: Yes, sir.

SPEAKER MARVEL: Okay.

SENATOR KREMER: Mr. Chairman and members, I would like to ask Senator Beutler a question.

SPEAKER MARVEL: Senator Beutler, do you yield?

SENATOR KREMER: Senator Beutler, if this amendment would pass, what would happen to the Governor's newly appointed coordinator who has the responsibility of bringing the state agencies into line and working together with the Commission when we talk about water policy that comes to the Legislature eventually?

SENATOR BEUTLER: Absolutely nothing would happen to the coordinator. He is authorized under the Appropriations bill and his position is authorized. There is no authorization for him here, so he would continue to exist. The Governor has authority over all the code agencies the way it is, so he can direct his water director to do whatever is necessary with regard to the code agencies, and it would affect his ability to work none whatsoever.

SENATOR KREMER: But anything the Commission would do in the way of policy and their reports coming to the Legislature would not have to be scrutinized by the various code agencies, the University, etcetera?

SENATOR BEUTLER: As you are aware, Senator Kremer, in the water planning process as they do the study they are all working together. For instream flows, for example, the University, Game and Parks, all these different agencies participate and as they participate they all review the work product. So they are all involved in the process anyway, and that is why I have trouble seeing what exactly the function of this new coordinating committee would be except the same function that NRC is performing right now.

SENATOR KREMER: Thank you, Senator Beutler. I will be supporting the Beutler amendment. I would agree that we

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have given the prime responsibility on water policy, water policy studies, to the Natural Resources Commission. That was accomplished several years ago when this legislative body recognized that this has been their role in matters like this all through the period of years that most of us have been around. It was the Natural Resources Commission who was given the responsibility of bringing to this body a state water plan, and all the ramifications of that plan. We asked them to review that plan about four years ago. It took them about a year to arrive at a method of doing this and they came out with a brand new idea because of changing conditions due to development and so on, and came back to the Legislature and said, we believe it is better that we adopt a plan of planning and review and make our plans as we go along. At that time we gave this responsibility to the Commission, then the Commission perhaps have been in a rather difficult position in knowing which way to go because of the cumbersomeness of the whole program as it went along. This year as it is now under the Beutler amendment they would be assigning various studies to various code agencies and departments and they would be involved. And then the Commission actually now has the responsibility of making the final decisions. And I think those final decisions would be made on the counsel, the advice and the input of these various agencies. So I think Senator Beutler's amendment here is an improvement on the whole program as we have it today. So I do support it.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your amendment?

SENATOR BEUTLER: No, Mr. Speaker, I would like to hurry the process along as much as possible, unless somebody has questions which I would be glad to answer. Thank you.

SPEAKER MARVEL: The motion is on the adoption of the second Beutler amendment. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of the Beutler amendment.

SPEAKER MARVEL: The motion carries. The amendment is adopted.

CLERK: Mr. President, Senator Kremer has an amendment.

SENATOR KREMER: Mr. Chairman and members, this particular amendment has to do with staggering the terms of the Public Advisory Board. They are all going to...their term

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will have to be renewed and they all go in and out at the same time. In all committees or commissions like this it is always best, at least in my opinion, to stagger their terms so you do get a carry-over and that is what we are trying to do here. There will be, four of them will be appointed now in 1981, and then four more in 1982, and last of all, three in 1983. So it does stagger the terms. That's what it does, stagger the terms of the Public Advisory Board. I move the adoption of the amendment.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. President, I would rise to support Senator Kremer's amendment. I believe it is advisable in any of these boards that we stagger the terms, certainly we get more consistency of decision, more consistency of organization, and it just seems to me that the amendment that Senator Kremer has introduced is a good one for this particular situation.

SPEAKER MARVEL: Senator Kremer, do you wish to close on your....

SENATOR KREMER: No closing, thank you.

SPEAKER MARVEL: Senator Kremer, do you wish to be recognized?

SENATOR KREMER: Mr. Chairman, I would just move the adoption of the amendment, no closing. All it does is staggers the appointments of the Public Advisory Board.

SPEAKER MARVEL: Okay, Senator Kremer is closing on his amendment. All in favor vote aye, opposed vote no. Record.

ASSISTANT CLERK: 28 ayes, 0 nays on adoption of the Kremer amendment.

SPEAKER MARVEL: The amendment is adopted.

ASSISTANT CLERK: Mr. President, I now have another motion from Senator Kremer and that amendment is to add the emergency clause.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, as the Clerk has indicated, this does adopt the emergency clause. The reason for this is that the present guidelines expire the 1st of July, I believe, and they would not be operating under guidelines

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up until then, so I do ask for adoption of the emergency clause.

SPEAKER MARVEL: The motion is the adoption of the emergency clause to the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: 25 ayes, 0 nays on adoption of the second Kremer amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

ASSISTANT CLERK: Mr. President, I now have a motion from Senator Hoagland.

SPEAKER MARVEL: Senator Koch, the Chair recognizes you.

SENATOR KOCH: Thank you, Mr. Speaker, members of the body, it is a privilege for me to be able to introduce to you my mother from Hastings, Nebraska. This is the first time she has been in this Unicameral since I have been here, and her name is Stella Koch, and my sister, Mrs. Beverly Schaaf from Grand Island, and I want you to know, Senator Marvel, that my mother has voted for you every time you ever ran even though you were unopposed.

SPEAKER MARVEL: That's good news. It may not be that way again.

SENATOR KOCH: And I have often told her that she should run against you, but she respects you so much that she refused to do that. But I would like to have you meet my mother and my sister over here. (Applause). I might add that my sister had a chance to go with Bill Barrett once but she turned him down.

SPEAKER MARVEL: Welcome to the Unicameral. You can see we have no problem. Okay.

CLERK: Mr. President, Senator Hoagland moves to amend the bill. (Read the Hoagland amendment as found on page 1880 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I will be brief about this amendment. This amendment is in the line of one of Senator Beutler's amendments that we adopted

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LB 326

earlier, and what it does is it strikes Section 5 of the bill which writes into statute the Public Advisory Board. Now we have had the Public Advisory Board functioning quite well and I think a lot of the same arguments for why we should not have the interagency water coordinating committee in state law apply, there is really no need to draft into state law permanently new boards and commissions. I think it is functioning quite well the way it is now, and in my view this would clean the bill up and we could advance it on. Thank you.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, all I wanted to say relates to Senator Koch really, and that is if Senator Koch would pay some attention, I don't believe that is his mother and his sister, it looks more like his sister and his daughter.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I am going to have to speak against the Hoagland amendment. When this particular planning and review process program was initiated, those that met out at the Holiday Inn was all the people concerned about the state water plan and the process of policy making, we felt rather strongly that it was proper and good that the public be advised and be invited to participate in all kinds of planning because all people, all walks of life, no matter who you are, have a stake in Nebraska's water. And by keeping the public advised and they participating to the extent that they would have the right to look over anything that was being done, it would bring the public along, and it is in the statutes and I wonder if it should not remain there so that we are sure that we have a Public Advisory Board. I will have to oppose Senator Hoagland's amendment.

SPEAKER MARVEL: Senator Hoagland, do you wish to close on your amendment?

SENATOR HOAGLAND: Yes, only briefly, Mr. Speaker. We have been doing quite well with the Public Advisory Board the last couple of years. The problem I have is when you put something in the statute with terms and with persons and create a new agency, it's just going to be there for a long, long time. You know, we have other Public Advisory Boards that are not part of the statutes of the State of Nebraska. I think a lot of the same reasons for striking Section 4 apply to striking Section 5. It will simplify this whole water procedure if we don't have all these extra sort of

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LR 164  
LB 326, 35, 76, 327, 331

public bodies and agencies created, and I just think that while we are at it we might as well take this opportunity to vote against another...to nip in the bud another new agency or commission. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Hoagland amendment to LB 326. Senator Wagner, do you want recognition?

SENATOR WAGNER: Mr. Speaker and members, I had my light on. Was Senator Hoagland closing on his amendment?

SPEAKER MARVEL: Well, you will have to wait until we close with Senator Hoagland and then I will recognize you. Senator has closed, yes. Okay. The motion is the adoption of the Hoagland amendment. All those in favor vote aye, opposed vote no.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? Once more, have you all voted? If we could get it a little bit quiet in here we could get something done. Record the vote.

CLERK: 10 ayes, 16 ayes, Mr. President, on adoption of the amendment.

SENATOR CLARK: Is there another amendment?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I move the bill be advanced with the amendments....adopted this afternoon.

SENATOR CLARK: The motion is to advance the bill. Senator Wagner, did you want to talk on the advancement? Senator Warner, did you want to talk on the advancement? The question before the House is the advancement of the bill. All those in favor say aye. All those opposed nay. The bill is advanced. Go ahead and read it in.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 35, 76, 327 and 331 as found on page 1883 of the Journal.)

Study resolutions, LR 164, by Senators Newell, Beutler, Kahle and Sieck and Wesely. It calls for a study of the rules of the Legislature as they pertain to certain particulars.

LB 118, 129A, 165, 181, 224, 234, 234A,  
273, 273A, 303, 326, 336, 360, 394,  
396, 411, 459A, 485, 551 - 554

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favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

SENATOR CLARK: Is there any discussion on the advancement of the bill? If not, all those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

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LB 234, 303, 326, 336

you record your presence. Senator Burrows, would you record your presence. Will all legislators please take your seats so we can proceed with the roll call vote. Call the roll.

CLERK: Roll call vote. 18 ayes, 24 nays, 1 present and not voting, 6 excused and not voting. Vote appears on pages 2098-2099 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Clerk will read on Final Reading LB 303.

CLERK: Read LB 303 on Final Reading .

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed vote no. LB 303 on Final Reading. Have you all voted? Record the vote.

CLERK: 43 ayes, 0 nays, 6 excused and not voting. Vote appears on page 2099 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, 326E, if there are no objections the two principal's are working out an agreement and they would like to have the bills passed over for one time. Is that right Senator Hoagland? Okay, if there is no objection we will go then to LB 336 on Final Reading.

CLERK: Read LB 336.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass, LB 336. Those in favor vote aye, opposed vote no. Senator Stoney.

SENATOR STONEY: I have a question of the Clerk. It was my understanding when I offered an amendment to this bill that we were changing the date of December 31, 1983, to correspond with the fiscal year of June 30, 1984. Now I think that should be consistent in LB 336 as it is in 336A, and I would like a ruling on that please.

SPEAKER MARVEL: Record the vote.

CLERK: 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting. Vote appears on page 2100 of the Legislative Journal.



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LB 360, 326

SENATOR NICHOL: So ordered. Senator Hoagland, are you ready to go back on the bill we passed over a minute ago? Senator Beutler.

SENATOR BEUTLER: Are we passing over that bill, Mr. Speaker?

SENATOR NICHOL: Senator Schmit's bill?

SENATOR BEUTLER: No, I'm sorry, 360.

SENATOR NICHOL: We are passing over 360 until Senator Warner comes back.

SENATOR BEUTLER: Well it seems to me that Senator Warner will have an opportunity to object because this will have to come back on Final Reading again if the amendment is adopted. The other day I mistakenly asked for the order to be changed on Final Reading and bills switched around and the Speaker suggested to me that that wasn't a good procedure that we should proceed with this as planned. I don't really see the difference here. I think we should proceed with it as planned.

SENATOR NICHOL: Senator Beutler, ordinarily we would handle it this way because of courtesy for the one that is excused. If you would prefer to go back you can challenge the Chair but I wouldn't suggest it.

SENATOR BEUTLER: Okay, so the principle is that if the introducer is not here we will pass over it.

SENATOR NICHOL: As long as I am here that is the way we will do it but I won't be here very long.

SENATOR BEUTLER: Thank you.

SENATOR NICHOL: Back to 326, Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, Senator Kremer and I are co-sponsoring an amendment to 326 which is a Public Works Committee bill that has to do with the water planning process. Now this amendment is of a technical nature and it amends Section 7 of the bill and it has to do with how the findings and the reports and the materials accumulated by the Commission are to be distributed while the water planning process is under going. Now, this amendment was an omission when the bill was introduced and essentially it conforms this bill with

intent language that we have passed under the two legislatures that has been the basis up to this point for the state water planning process. It changes this bill to pick up some language that was omitted when the intent language in previous legislatures was converted to this bill and it relates, as I indicated before, to the distribution of materials to the public. We feel that it is a good amendment. I don't think that we need to take a lot of time on it, but if anyone has any questions, you can address them to me or Senator Kremer or Senator Dworak I know is also interested in this issue. I would ask for the adoption of this amendment to return to Select File and then the adoption of the amendment. Thank you, Mr. President.

SENATOR NICHOL: We have some special guests today with us, very special guests, and Senator Howard Lamb would like to have just a very few minutes to introduce them to you. Senator Lamb.

SENATOR LAMB: Thank you, Mr. President. At this time it is our pleasure to introduce some of friends from the Republic of China who are here on a trade delegation. These are some of the people that several of us met last fall when we were guests of the Republic of China in Taiwan. Senator Schmit is escorting some of the delegation and here come the rest of them with Senator Kahle. We have with us this morning Mr. Y. S. Miao, who is Chairman of the Taiwan Flour Mills Association who would like to make a few remarks in a few minutes. This is Mr. Miao on the end. Then you probably know....next here we have Mr. K. H. Lu, who is with the U.S. Wheat Associates and will act, I believe as interpreter today. We also have Mr. J. Chou who is more informally known as "Big Brother", he is Secretary General of the Taiwan Flour Mills Association. Mr. Michael Tao, who is the General Manager of one of the major flour mills in Taiwan and Mr. Ron Maas who is a native Nebraskan who has headquarters in the far east and has general supervision over US Wheat Associates in that area. At this time I will present Mr. Miao.

MR. MIAO: Address to the Legislature.

MR LU: (Interpreter) Mr. Chairman, Senators, Ladies and Gentlemen, I'm very much privileged to have this opportunity of appearing before you and to see some of you again and get acquainted with most of you. This time I and the rest of this group are touring the United States as the members

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LB 326

trade relationship between Taiwan and the State of Nebraska will be strengthened. It is a real pleasure that I have this opportunity of talking to you again. I would like to thank you again.

SENATOR LAMB: Thank you, Mr. Miao, we appreciate the friendliness of the Taiwanese people, we appreciate the business you do with this country and we hope that you will come back and visit us again.

SENATOR NICHOL: These are truly great people. We enjoyed our trip there, it was very successful. These are cash customers and in addition to that they are very gracious people. Thank you for coming to visit with us.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is 326 with the emergency clause attached. The motion is to return the bill. The Chair recognizes Senator Kremer.

SENATOR KREMER: Thank you, Mr. President. I have signed the motion with Senator Hoagland to return the bill and I'll tell you why. If you refer to the bill, as Senator Hoagland has pointed out, we are making two changes. I think it is good and proper that we do. First of all we are changing the language, "all draft and final reports" produced as a part of the state water planning and review process shall be available and so on. We are changing the word to "all material". It looks rather insignificant to begin with but I think it is significant. I have always felt strongly the public should be advised and should be informed relative to the progress being made on planning and review, without bringing the public along sometimes it is rather futile to try and do something that is very important to all of us in the state. Secondly, we change the language beginning on line 21 where we read, "Members of the Public Advisory board shall not be charged for materials provided to them", we are striking that. Then we will say, "A charge may be made if the expense is too great and the requirement is for all extraneous materials" and the word "materials" is in there now. It could be very, very costly to the state and the language then would say "they may make a charge", it doesn't say they "shall". We think it is only fair we balance this thing out. So with these two changes I speak in support of bringing LB 326 back for this proposed amendment. Thank you.

SPEAKER MARVEL: The motion is to return the bill for a

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LB 326, 394, 411

specific amendment. All in favor of that motion vote aye, opposed vote no. The motion is to return as specified by Senator Kremer. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: The bill is returned. Now, Senator Kremer, do you wish to adopt the motion?

SENATOR KREMER: (inaudible).

SPEAKER MARVEL: Okay, the motion is to adopt the amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, on the adoption of the Hoagland-Kremer amendment, Mr. President.

SPEAKER MARVEL: The motion is carried, the amendment is adopted. Now the motion is to rerefer the bill. All those in favor say aye, opposed no. The motion is carried the bill is rereferred. The next bill on Final Reading LB 394. The Clerk will read.

CLERK: Read LB 394 on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed vote no. LB 394 on Final Reading. Have you all voted? Senator Maresh. Okay, record your presence please. Senator Schmit, Senator Lowell Johnson, Senator DeCamp, Senator Labedz, Senator Higgins. There are two absent Senator Maresh, Senator DeCamp and Senator Schmit. Okay, proceed with the roll call.

CLERK: Roll call vote. 22 ayes, 18 nays, 3 excused and not voting, 6 present and not voting. Vote appears on page 2103 of the Legislative Journal.

SPEAKER MARVEL: The motion fails. The next bill is LB 411.

CLERK: Mr. President, I have a motion on the desk. Senator Sieck moves to return LB 411 to Select File for a specific amendment. The amendment is on page 1982 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Sieck.

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LB 98, 134, 224, 326, 360  
LR 186, 187

I can assure you that next year there is going to be legislation, whether or not this agreement is reached by May 30th.

SPEAKER MARVEL: Senator Kremer, do you wish to close on the resolution? Okay. All those in favor of the adoption of LR 186 vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the resolution.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Now we go to LR 187.

CLERK: Mr. President, LR 187 offered by Senators Fowler, Wesely, Vard Johnson, DeCamp, Wagner, VonMinden and Fitzgerald is found on page 2109. (Read.)

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: This resolution was brought to me and the other legislators by a Vietnam veteran's organization that is working across the state to gain attention for the issues that are raised in this resolution. This resolution would be a statement of support for the issues of concern indicating that the Legislature finds these to be important and significant public issues that Congress should review. The Vietnam veteran has often been called the forgotten veteran. I think that more attention now is being focused on the needs, the issues that surround the Vietnam veteran and their families. With that, I would move for adoption of the resolution.

SPEAKER MARVEL: The motion is the adoption of LR 187. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of LR 187.

SPEAKER MARVEL: The motion is carried. The resolution is adopted.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 134 and find the same correctly engrossed; 224 correctly engrossed; 326 correctly engrossed and 360 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, one other item, I have a request from Senator Wesely to add his name to LB 98 as coinroducer.

SPEAKER MARVEL: No objections, so ordered. Will the Legislature please, will you return to your seats so that we can

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LB 224, 326, 360

PRESIDENT: LB 134 passes. The next bill on Final Reading is LB 224.

CLERK: (Read LB 224 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 224 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2248 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 224 passes. The next bill on Final Reading is LB 326.

CLERK: (Read LB 326 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 326 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2249 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 326 passes with the emergency clause attached. Before we come to the last bill on Final Reading this morning, the Chair takes great pleasure in introducing some twelve legislators from Imo State in Nigeria visiting the Unicameral in Lincoln today accompanied by Bill Brown and John Buckwater. Would the legislators from Imo State in Nigeria please stand and be recognized by the Nebraska Unicameral Legislature? Welcome, gentlemen. We will now proceed with the final bill on Final Reading, LB 360, Mr. Clerk.

ASSISTANT CLERK: (Read LB 360 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 360 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2250 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

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LB 218, 134, 224, 326, 360

on the bill? I will be happy to answer them, but I move that we advance the bill.

PRESIDENT: All right, are there any further discussions then on LB 218? Hearing none, I guess that is your opening and your closing. The question now is, the motion is to advance LB 218 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? We are under Call. The House is under Call so I guess we will have to start rounding up some people if we don't get the votes. Or have a roll call vote, whatever you want to do. We will accept call ins. There are quite a number of people that are not here. Sergeant at Arms, do you want to start finding somebody? There's no tie, or I would, I'll tell you. If I could contrive this into a tie, I would sure vote. You are tied up, huh? Record the vote.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. The LB 218 is advanced to E & R Initial. Do you have some matters to read in, Mr. Clerk?

CLERK: Mr. President, I don't believe I do, no.

PRESIDENT: That will conclude the General File portion of the agenda. I don't know what...whether the Speaker wants to start with Select File. I would suggest too because they will probably want to continue their meeting. Just be at ease for a moment, we will see if we probably will just recess at this time, and then come back right after lunch to continue with Select File, but we will check with the Speaker. We have one matter to take care of and then we will recess for lunch.

CLERK: Mr. President, LBs 134, 224, 326 and 360 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 134, LB 224, LB 326 and LB 360. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: Senator Marsh, would you recess us?

SENATOR MARSH: I move we recess until 1:30.

PRESIDENT: Motion to recess until 1:30. All those in favor signify by saying aye. Opposed nay. We are recessed until 1:30.

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LB 551, 134, 224, 326, 360

SENATOR HEFNER: Mr. Chairman, members of the body, this is correct. Senator Fitzgerald, you are correct and I do have a corrective amendment up there, after we pass this.

SENATOR FITZGERALD: (Mike not turned on.) I want to know what I am voting on. I mean I'm voting six miles and, my golly, I will be going down into some other county.

SENATOR HEFNER: Okay, the amendment changes this to three.

SENATOR FITZGERALD: Oh.

SENATOR CLARK: The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 2263 and 2264, Legislative Journal.) 24 ayes, 19 nays, Mr. President.

SENATOR CLARK: The motion failed. What else is on the bill? Any other motions?

CLERK: Senator Hefner, do you want to offer that? No. I have nothing further on the bill, Mr. President.

SENATOR CLARK: The question before the House is the advancement of the bill. Is there any discussion? All those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. LB 552.

CLERK: Mr. President, Senator Stoney would like to be excused Friday, June 5.

Mr. President, I have an Education Committee report regarding gubernatorial appointments. (See pages 2264-2265 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor the bills that we read on Final Reading this morning. (Re: LB 134, 224, 326, 360. Page 2264 of the Legislative Journal.)

Mr. President with respect to 552 I do have E & R amendments.



Quite honestly, the only one that I am concerned about of (a), (b), (c), (d) and (e) is (d) and I think that is the one that the majority of the people of the State of Nebraska are concerned about. How is it going to affect our water, both surface and underground water in the State of Nebraska. I think there could be probably an answer to that. We could probably find out as to whether or not it interferes with the unreasonable hazards for the use of the right-of-way as (a) calls for. I think probably the state engineer is qualified to do that. (b) where it talks about whether it serves the transportation interests and needs of the state. I don't know who in the world would be able to answer that question. Where it talks about under (d) whether the pipeline can reasonably be expected to have a significant adverse effect upon the state's economy. Again, I don't know where you are ever going to get an answer to that question. I think that this is a perfect example of using a sledge hammer to kill a fly on the last moment of the session and even though, as I indicated, I am strongly opposed to the coal slurry pipeline and I certainly have a lot of sympathy for the cause that Senator Cullan has so adequately carried over the years. I do believe that there is a lot of problems with this particular method that is being used at this point in time.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: I yield to Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I told Senator Nichol when I initiated this process that I would withdraw the amendment if it became a problem. More than thirty members of this Legislature told me or Senator Wesely or others that they supported this concept and so I still don't believe that there is a problem but I agreed to Senator Nichol that I would do that if he believed a problem was developing and so I will withdraw it but I think it should be an indication to those who...well, I guess that is enough. Thank you.

PRESIDENT: Thank you, Senator Cullan. He has withdrawn the motion to return so we are...there is a further motion I believe though, so the Cullan motion is withdrawn. Is there...? Go ahead.

CLERK: Mr. President, if I may, right before that, I have a communication from the Governor addressed to the Clerk. (Read communication re: LB 134, 224, 326 and 360.) (See page 2329 of the Legislative Journal.)